

175 PARK AVENUE SOUTH • NEW YORK, NY 10016

(212) 447-1111

FAX: (212) 447-6686

MEMO ENDORSED

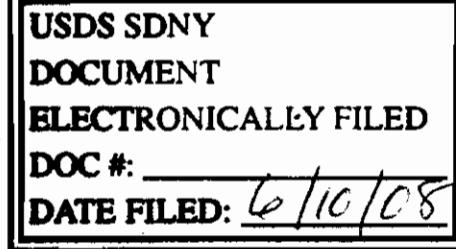
NANCY LEDY-GURREN

(212) 447-1105

EMAIL: NLEDYGURREN@LGB.LAW.COM

June 4, 2008

Hon. James C. Francis
 Magistrate
 United States District Court
 Southern District of New York
 United States Courthouse
 500 Pearl Street
 New York, New York 10007



Re: *Drayton v. Toys "R" US, et. al.*
1:07-cv-06315-RMB-JCF

Dear Judge Francis:

Please accept this letter as a joint status report on behalf of all defendants. As per your order of February 26, 2008, plaintiffs were required to move for class certification by April 15, 2008 and discovery was to be completed by May 30, 2008.

Plaintiffs never moved for class certification. In fact, Plaintiffs have not evidenced any interest in pursuing the class action or for that matter discovery. In fact, seven of the purported representatives (Scott, High, Rhodes, Cones, Weaver, Miller and Loving) have refused to appear for deposition.

Accordingly, the defendants have submitted a letter to Judge Berman requesting a pre-motion conference seeking leave to move to (a) declare that the class action claims were abandoned and (b) pursuant to FR.C.P. 37(b) to strike the complaints of those plaintiffs who have refused to disclose during the discovery period.

6/10/08
 Pursuant to the Order dated February 26, 2008, discovery is now closed. counsel shall seek permission from Judge Berman to make any dispositive motions before June 30, 2008.
 NLG: smr
SO ORDERED.
 James C. Francis
 USM

Very truly yours,
Nancy Ledy Gurren
 NANCY LEDY GURREN

Re: Drayton v. Toys "R" Us, et.al.

CONSENTED TO:



THOMAS CATALANO
LESTER SCHWAB

cc: Emmanuel Roy, Esq.
K.C. Okoli, Esq.
(Simultaneously by
e-mail and fax)